

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

|                       |   |                                |
|-----------------------|---|--------------------------------|
| FRANCISCO M. VAZQUEZ, | ) |                                |
| Plaintiff,            | ) |                                |
|                       | ) |                                |
| v.                    | ) | CAUSE NO.: 1:23-CV-312-JVB-JEM |
|                       | ) |                                |
| ALLEN COUNTY JAIL,    | ) |                                |
| Defendant.            | ) |                                |

**OPINION AND ORDER**

Francisco M. Vazquez, a prisoner without a lawyer, filed a second amended complaint against the Allen County Jail. (ECF 7). “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Mr. Vazquez’s earlier complaint named the Allen County Jail as a defendant. The court explained to Mr. Vazquez that the Allen County Jail is a building, not a “person” or policy making body that can be sued for constitutional violations under 42 U.S.C. § 1983. *Smith v. Knox County Jail*, 666 F.3d 1037, 1040 (7th Cir. 2012). In his second amended complaint, Mr. Vazquez names only one defendant: the Allen County Jail. As already explained, he cannot proceed against the jail.

This second amended complaint does not state a claim for which relief can be granted. “The usual standard in civil cases is to allow defective pleadings to be corrected, especially in

early stages, at least where amendment would not be futile.” *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018). However, “courts have broad discretion to deny leave to amend where . . . the amendment would be futile.” *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 432 (7th Cir. 2009). For the reasons previously explained, such is the case here.

Accordingly, this case is **DISMISSED** under 28 U.S.C. § 1915A.

SO ORDERED on August 31, 2023.

s/ Joseph S. Van Bokkelen  
JOSEPH S. VAN BOKKELEN, JUDGE  
UNITED STATES DISTRICT COURT